NATIONAL CANNERS ASSOCIATION

Information Letter

FOR N. C. A. MEMBERS

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Food Import Regulations in Canada

Canadian regulations on the admission of foreign food products have been summarized in a circular issued by the Foodstuffs Division of the U. S. Bureau of Foreign and Domestic Commerce.

Besides the special forms of commercial invoices prescribed for all shipments to Canada, there are special regulations with regard to standards of quality, labeling, etc., that must be complied with. These latter regulations may be summarized as follows:

Labeling.—The label may be an integral part of the package and must contain on the main panel the name and address of the manufacturer, or of the person or firm for whom the article is manufactured. The standards of quality, in plain type and in letters not less than three-eighths of an inch in height, must be indicated on the principal part of the label for all canned or evaporated fruits and vegetables, or any milk preserved for food, which have been standardized for quality. These standards are designated as "Second Quality", "Standard Quality", "Choice Quality", or "Solid Pack", as the case may be, and should appear on the label in the following manner:

STANDARD	(⅜ inch high)	CHOICE
QUALITY	(⅜ inch high)	QUALITY

If the label would be defaced by making both statements three-eighths of an inch high, the word "Quality" may be reduced to three-sixteenths of an inch, but the word "Standard", "Choice", etc., must be three-eighths of an inch high.

For each kind of fruit, vegetable, etc., the several standards of quality are prescribed in the regulations. There are special requirements applying to the labeling of jams, jellies, marmalades, berries, etc.

Inspection Certificates on Meats and Canned Meat Products.—All imported meat food products (other than game or undrawn dressed poultry), must have undergone governmental inspection in the country of origin, and must be accompanied by a certificate to that effect at the time of importation into Canada. The certificate must also furnish the name and a description of the product, and a statement as to the number of pieces or packages, weight, identification marks, name and address of the shipper, and shipping marks. Such products are also subject to any further inspection deemed necessary by the Canadian authorities, and if they do not conform to the requirements, they will be condemned by the inspector. Canned fruits, vegetables, and milk are also subject to such inspection in Canada, as may be deemed advisable.

The form of certificate varies for products entering Canada from a country other than that in which they originate, for those passing through another country in bond, and for those which have not been inspected in the country of origin and are not for sale or distribution, but intended solely for the use of the consignee. The form also varies for shipments of pork and beans, and for mince meat. Inedible grease, tallow, or other inedible fat or meat must be especially marked and be covered by a special certificate.

Affidavit on Prepared Foods.—An affidavit (in duplicate) by the shipper is required to be made before a justice of the peace or other authorized person in the country of origin, that shipments of canned fruits, vegetables, milk, and fish were made from sound raw materials, and that the products were manufactured under sanitary conditions, and must give the names and addresses of the manufacturer, shipper, and consignee, the number of packages, number of containers in each package, name of the product, and identification marks.

Samples for Testing.—Such samples of imports of canned fruits, vegetables, milk, or fish as may be needed by the Canadian inspector to be used in testing for grade, for quality, quantity, or purity, must be furnished by the importer free of any charge. The Veterinary Director General will give the importer a report of the examination of the samples.

Detailed information respecting particular products may be obtained upon application to the Division of Foreign Tariffs, Bureau of Foreign and Domestic Commerce, Washington, D. C.

Important Trade-Mark Decision

In its decision in the case of American Steel Foundries v. Robertson, Commissioner of Patents, the U. S. Supreme Court has given an interpretation of Section 5 of the Trade-Mark Act of 1905, which opens the way to the registration of numerous trade-marks that have been refused registration because of the provision in Section 5 that "no mark which consists merely in the name of an individual, firm, corporation, or association not written, printed, impressed or woven in some particular or distinctive manner, or in association with a portrait of an individual * * * shall be registered."

In effect, the Court's decision makes it impossible for the owner of a corporate name unqualifiedly to monopolize a trade-mark, and holds that the owner of a corporate name has no right to monopoly of any part of his name, except in his own line of business and in use on goods which are similar to and within the same classifications as his own.

In the case under review the American Steel Foundries made application for "Simplex" as a trade-mark on steel brake beams for railroad cars. The Simplex Electric Heating Company, manufacturers of electric supplies and heaters, opposed registration on the ground that the trade-mark was a part of its corporate name.

The question has been at issue for a number of years, decisions of the lower courts having compelled the Commissioner of Patents to refuse registration of trade-marks involving one or more words which were parts of corporate names.

In 1916 the Commissioner of Patents, in a decision admitting the word "Simplex" to registry in the case of the Simplex Electric Heating Co. v. The Ramey Co., stated:

"The word involved in this case is one of a large class of words which have for a great many years been much used because of their peculiarly suggestive meaning. For other examples there are the words 'Acme', 'Anchor', 'Champion', 'Eureka', 'Excelsior', 'Ideal', 'Jewel', 'Liberty', 'National', 'Pride', 'Premier', 'Queen', 'Royal', 'Star', 'Sunlight', 'Triumph', 'Victor'. It would be a serious matter if the law actually permitted anyone who chose to do so to organize a series of corporations with names containing

these words, respectively, and thereupon virtually withdraw these words from public use as trade-marks and monopolize them by preventing their registry as such."

However, on appeal this decision of the Commissioner of Patents was reversed by the district court of appeals on the ground, in part, that the word "Simplex" was a distinctive part of the name of the corporation Simplex Electric Heating Company. This decision was followed by the same court in the present case (American Steel Foundries v. The Simplex Electric Heating Co.).

The Supreme Court concludes its decision with the statement: "We agree with the Commissioner and not with the court. Under the facts, we are of opinion that it does not appear that the use of the word as a trade-mark upon the goods of the plaintiff will probably confuse or deceive the public to the injury of the defendant or of any other corporation. It follows that the refusal to allow the registration was erroneous."

Labeling of Pinto Beans

The attitude of the Bureau of Chemistry with respect to the labeling of Colorado pinto beans was stated in a letter from the Bureau reproduced in Information Letter No. 93. The question having arisen again, the following excerpt from the Bureau's letter is repeated, for the information of canners who are interested in the question:

"The question of quality is not one which can be regarded as governing in the labeling of food products. The identity of the article is the controlling factor. According to the best information we can obtain, Colorado pinto beans are different in identity from any bean known as red beans, and they could, therefore, not properly be designated as red beans. There would, of course, be no objection to the labeling of these beans as 'Pinto Beans' or 'Red Pinto Beans'."

Revenue Freight Loadings

For the week ended February 13, loadings of revenue freight totaled 917,144 cars, according to reports to the American Railway Association. This was an increase of 13,209 cars over the corresponding week in 1925, but a decrease of 18,445 cars under the corresponding week in 1924. The total for the week of February 13 was an increase of 2,240 cars over the preceding week.

Prohibits Use of Misleading Pictorial Labels

In a recent order directed to a mattress-manufacturing concern, the Federal Trade Commission requires the firm to discontinue the use of misleading pictorial representations of the mattress it manufactures. The pictorial, the Commission finds, misleads the purchaser as to the true resiliency of the mattress as labeled, and causes its purchase in preference to competitors' mattresses that are not untruthfully represented. The order forbids the use of these pictorial representations in catalogues, advertising matter, and on tags and labels.

Navy in Market for Canned Prunes

The Navy Department is asking for bids to be opened at 10 A. M., March 16, 1926, on 555,000 pounds of canned prunes, for delivery as follows: 70,000 pounds at Brooklyn, N. Y.; 30,000 pounds at Philadelphia, Pa.; 80,000 pounds at Hampton Roads, Va.; 340,000 pounds at Mare Island, Calif.; 35,000 pounds at Puget Sound, Wash. Copies of the schedules for submitting bids (No. 5020) can be obtained from the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

Advocates Mixed Cherry Plantings

Without cross pollination good yields of sweet cherries cannot be obtained, according to the horticulturist of the Geneva, N. Y., Experiment Station. This means that sweet cherry plantings should contain more than one variety in order to secure an adequate supply of foreign pollen for a satisfactory set of fruit. Investigation in one orchard, covering two seasons, showed that the yield was reduced about 50 per cent on account of poor pollination. As an emergency measure until interplanted trees of another variety begin to bloom, it is planned this year to cut blossoming branches from trees of other varieties and place them in pails of water in the orchard containing but a single variety, with the hope that in this way the chances of cross pollination may be very materially increased.

Marking of Canadian Salmon for Export

A Canadian regulation of January 8, 1926, issued under the meat and canned foods act, requires that the lid of each can containing salmon to be exported shall be embossed with the word "Canada" in letters three-eighths of an inch in height.

Changes Made by New Revenue Bill

The exemption for a single person has been raised from $1,000 to $1,500 and for a married person from $2,500 to $3,500. The exemption of $400 for each dependent remains as at present.

The earned income credit has been extended from a possible base of $10,000 to $20,000, which will result in a saving of $200 to every person having an earned income of $20,000 and over.

Not only are larger exemptions allowed on personal incomes, but the present rate of computing the tax on the first $4,000 of taxable income, in excess of exemptions, has been cut from 2 to 1½ per cent, and on the next $4,000 of taxable income from 4 to 3 per cent.

On the balance above the second $4,000 the new rate is 5 per cent instead of 6 per cent.

On surtaxes, the law enacted cuts the rate of tax from 40 to 20 per cent on incomes over $500,000, and provides for varying reductions in the surtax rates on incomes all the way down to $24,000. These reductions in surtax rates are shown in the following table:

Net incomes	*1924 Per cent*	*1926 Per cent*	*Net incomes*	*1924 Per cent*	*1926 Per cent*
$10,000 to $14,000	1	1	$58,000 to $60,000	21	15
$14,000 to $16,000	2	2	$60,000 to $62,000	21	16
$16,000 to $18,000	3	3	$62,000 to $64,000	22	16
$18,000 to $20,000	4	4	$64,000 to $66,000	23	17
$20,000 to $22,000	5	5	$66,000 to $68,000	24	17
$22,000 to $24,000	6	6	$68,000 to $70,000	25	17
$24,000 to $26,000	7	7	$70,000 to $74,000	26	18
$26,000 to $28,000	8	7	$74,000 to $76,000	27	18
$28,000 to $30,000	9	8	$76,000 to $80,000	28	18
$30,000 to $32,000	10	8	$80,000 to $82,000	29	19
$32,000 to $34,000	10	9	$82,000 to $84,000	30	19
$34,000 to $36,000	11	9	$84,000 to $88,000	31	19
$36,000 to $38,000	12	10	$88,000 to $90,000	32	19
$38,000 to $40,000	13	10	$90,000 to $92,000	33	19
$40,000 to $42,000	13	11	$92,000 to $94,000	34	19
$42,000 to $44,000	14	11	$94,000 to $96,000	35	19
$44,000 to $46,000	15	12	$96,000 to $100,000	36	19
$46,000 to $48,000	16	12	$100,000 to $200,000	37	20
$48,000 to $50,000	17	13	$200,000 to $300,000	38	20
$50,000 to $52,000	18	13	$300,000 to $500,000	39	20
$52,000 to $56,000	19	14	Over $500,000	40	20
$56,000 to $58,000	20	15			

The corporation income tax was not reduced. The rate was increased from 12½ per cent to 13 per cent for the year 1925 with a provision that will make it 13½ per cent for the year 1926 and subsequent years. The tax on capital stock, however, was abolished entirely.

The foregoing rates and exemptions become effective as of January 1, 1925.

Corn Borer Bulletins

Three bulletins on the European corn borer have been issued and are being distributed by the Agricultural Extension Service of the Ohio State University at Columbus. These bulletins give the results of work conducted cooperatively by the Ohio Department of Agriculture, the U. S. Department of Agriculture and the State University. The first of the series deals with the corn borer menace in Ohio, the second with how the borer lives and does its damage, and the third with the corn borer in the Old World and Canada. Copies of the bulletins may be obtained from the Extension Service, College of Agriculture, Ohio State University, Columbus.

Report on Pennsylvania Canneries

"What of Pennsylvania Canneries?" is the leading article in the December issue of "Labor and Industry", published by the Pennsylvania Department of Labor and Industry, at Harrisburg. The article, prepared by Charlotte E. Carr, Director of the Pennsylvania Bureau of Women and Children, covers an investigation made in September, 1925, of fifty canneries; it discusses migratory labor, child labor, women employees, machinery guarding, sanitation, labor camps, etc. The survey concludes with a statement concerning measures proposed to be undertaken by the Pennsylvania authorities, including revision of the regulations for canneries, requirement of separate licenses for labor camps, extension of inspection, provision of school facilities for all children of school age in labor camps, and stricter enforcement of employment agent laws.

Switzerland's Condensed Milk Exports

Swiss exports of condensed milk in 1925 amounted to 33,778 tons valued at $7,732,000, an increase of 4,655 tons in quantity and $1,173,000 in value as compared with 1924. The chief markets for Swiss condensed milk are Great Britain, France, Germany and Straits Settlements.

Canned Salmon in Cuba

Cuba buys from 10,000 to 20,000 cases of canned salmon annually. In 1922 and 1923 about 95 per cent of the imports were from the United States, but in 1924 Canada furnished considerable quantities, and the United States' share dropped to 75 per cent of the total. Cuba's purchases in 1924 amounted to about $96,800.

Virginia Canners to Meet

The Canners Association of Virginia will hold a two-day convention at Luray, Va., on March 3 and 4, for which an interesting program has been arranged.

Argentine Buying More American Sardines

Argentina offers an excellent market for American sardines, in the opinion of the American vice consul in Buenos Aires, who states that importers have finally overcome the Argentine prejudice toward oval cans. For many years the natives were accustomed to sardines packed in small oblong flat cans, coming from France, Italy and Norway. Exports of American sardines to Argentina amounted to 8,655,130 pounds in 1925. Argentine statistics for 1924 show Spain leading in this trade, the United States ranking second and Portugal third. In 1923 United States ranked third.

Analysis of Solder on Foreign Food Cans

The food laws or regulations of several foreign governments involve the question of the lead content of the solder used in manufacturing or sealing cans containing foods products imported into those countries. The limits enforced or proposed by these countries being apparently impracticable, an analysis has been made of the solder on cans used on various foreign food products, including samples from France, Portugal and Belgium. Six samples were recently analyzed by the Research Laboratory of the Association, with the following results:

	Tin	*Lead*
	Per cent	*Per cent*
French sardines	45.1	55.3
French sardines	33.8	64.3
Portuguese sardines	28.4	72.2
Belgian peas	37.4	66.4
French peas	34.7	66.2
"Haricot verts"	46.3	50.6

Trying to Locate Disease-Free Pea Seed

Losses in yield in the 1925 pea crop occasioned by blight carried in the seed has led the Geneva, N. Y., Experiment Station to an effort to locate pea-growing areas from which disease-free seed may be obtained. A method has been devised which shows quite accurately the amount of disease infection present in a sample of seed. Testing of samples from various parts of the country will be continued, and many canners in the State are cooperating by furnishing samples of all pea seed purchased.